



United States Mission to the OSCE

FREEDOM OF EXPRESSION, FREE MEDIA AND INFORMATION

**Statement of Mr. Ronald McNamara
U.S. Delegation to the OSCE Implementation Meeting
October 7, 2003**

Mr. Moderator, the United States commends the meeting last December of the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression and their subsequent Joint Declaration. The Declaration not only reaffirmed commitments to what many consider traditional forms of speech, but also stated clearly: "Criminal defamation is not a justifiable restriction on freedom of expression; all criminal defamation laws should be abolished and replaced, where necessary, with appropriate civil defamation laws."

The United States has long sought that such a standard be applied at least throughout the OSCE region, if not world wide. We appreciate their forthright statement of this principle.

In that connection, we welcome the government-proposed changes to the Romanian Penal Code that would abolish criminal defamation and insult laws, and we hope the parliament will quickly pass this proposal into law. As the Romanian Government has rightly recognized, civil codes can provide adequate protection against defamation. We join the OSCE Office in Yerevan in urging Armenia to follow the example being set by Romania and repeal its criminal defamation and insult laws. We also share the concerns raised by the OSCE Representative on Freedom of the Media regarding the one-year prison sentence imposed on Russian journalist German Galkin for libel and slander.

Unfortunately, despite some positive efforts and the vast resources and energy that have been spent to develop free media and protect journalists, we would have to agree with Mr. Duve's statement earlier this year that the situation of free media in the OSCE region has deteriorated in recent years. The following examples illustrate the reasons for our increasing concern.

The United States is dismayed that the Lukashenko regime in Belarus continues to strangle media freedoms. In the latest example of Belarus' assault on media freedoms, the Belarusian authorities denied an entry visa to Freimut Duve, OSCE Representative on Freedom of the Media. This builds on a pattern of growing harassment of and hostility toward the media by the Lukashenko regime. In July, the U.S.-based NGO, IREX, closed its Belarusian operations when the authorities refused to renew its accreditation on the grounds that IREX was funding opposition media. I would also note that, over the course of the last four months, there have been further restrictions imposed on the independent media, with the suspensions of independent newspapers *Belaruskaya Delovaya Gazeta*, its periodic attachment, *BDG--For Internal Use Only*, *Navinki*, *Ekho* and *Predprinimatelskaya Gazeta*. The offices of the trade union paper *Solidarnost* were also sealed by the authorities.

We are concerned about the current negative trends and restrictive practices with respect to media freedom in Ukraine, including the use of explicit directives or “temnyky,” sent from President Kuchma’s Presidential Administration to editors on what subjects to cover and in what manner. Lack of compliance with international human rights standards, including OSCE commitments, on freedom of expression undermines Ukraine’s attempts at Euro-Atlantic integration. Mr. Moderator, an independent media free from governmental pressure is an essential factor in ensuring a level playing field in the lead up to the 2004 presidential elections in Ukraine.

In her April 18, 2003 annual report to the Ukrainian parliament, Ombudsman Nina Karpachova asserted that journalism remains among the most dangerous professions in Ukraine, with 36 media employees having been killed over the past ten years, while beatings, intimidation of media employees, freezing of bank accounts of media outlets, and confiscation of entire print runs of newspapers and other publications have become commonplace.

We are concerned about the ongoing case of Turkish journalist Hasan Özgün. After serving a nine-year prison term, Özgün was released last April and was immediately charged with “insulting state institutions” under Article 159 of the Criminal Code. Conviction could carry a 12-year jail term.

We remain extremely concerned about the ongoing crackdown on freedom of expression and free media in Central Asia. Unfortunately, Turkmenistan has made no progress whatsoever toward a freer media or permitting the expression of any dissenting thought. The "Betrayers of the Motherland" decree makes it a crime to disagree with the policies of the president. There is no freedom of media at all; all media is tightly state controlled. Internet access is limited, and we have credible reports that Radio Liberty is jammed in parts of the country. Uzbekistan, despite the formal lifting of censorship, continues to maintain the tightest control of the media and attempts to pursue independent journalism remain dangerous. In Tashkent, on August 28, human rights activist Surat Ikramov, who hopes to establish an association of independent journalists, was abducted and badly beaten. Most recently, direct access to the Ozod Ovoz web site has reportedly been closed since September 2, 2003, and the authorities blocked access to the opposition Birlik and Erk web pages in May.

Even in those Central Asian states which tolerate any opposition or independent thought, electronic media remain largely in state hands or carefully apolitical, while print media labors under strict restrictions and ever present threat of intimidation. Especially risky are attempts to shine the spotlight on high-level corruption. In Kazakhstan, journalist Sergei Duvanov remains in jail after his conviction on charges that experts working under OSCE auspices have described as politically motivated. This view is shared by human rights organizations all over the world.

Independent and opposition media in Kyrgyzstan have been hobbled, and even put out of business, by a series of slander lawsuits brought by officials. We call on Kyrgyzstan to decriminalize libel, so that officials cannot use the courts to stifle investigations into corruption.

Freedom of the media is more highly developed in the Caucasus, but concerns remain. In Georgia, we have received reports about renewed official pressure on the independent Rustavi-2 TV station, against the backdrop of the upcoming November parliamentary election. Rustavi-2 is one of the most important achievements of Georgian democracy and progress towards an open society – any threat to its functioning is certain to rally its defenders inside Georgia, in Washington and in other OSCE capitals.

The OSCE Representative on Freedom of the Media has expressed concerns about the situation in Armenia and Azerbaijan. In Armenia, A1+ and Noyan Tapan remain off the air, after failed efforts to win tenders for broadcast licenses that were widely seen as politically driven. As for Azerbaijan, on September 10, 2003, the Secretary General of the Council of Europe and the OSCE Representative on Freedom of the Media jointly stated that "We are deeply concerned by the continuous reports regarding harassment of the media and intimidation of journalists in Azerbaijan." They noted specifically that the problems faced by the newspaper *Yeni Musavat*, which "has been sentenced to three fines amounting in total to 100,000 US Dollars and whose bank account has been frozen."

And lastly, we would like to thank Mr. Freimut Duve for his steadfast efforts over the past six years in developing the office of Representative on Freedom of the Media. While Mr. Duve started out with little in the way of resources, over time he built an office that should be able to work constructively to protect one of our most cherished freedoms.